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COMMISSION GOVERNMENT IN KANSAS¹

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The cities of Kansas are by law divided into three classes. The first class includes all cities of over fifteen thousand inhabitants; the second class those over two thousand, but not over fifteen thousand; and the third, all incorporated places of not over two thousand population. The statute book contains a complete code for the government of each class. Cities of the first and second classes are by law permitted to adopt the commission form of government. There are nine cities of the first class and seventy-two of the second class. Of the third class, no complete list is available.

Throughout its history, Kansas has not hesitated to lead in the testing of new political theories and has repeatedly offered itself as a field for experiment in the realms of government and economics. Attracted by the widely heralded success of the new city government of Galveston, the people of Kansas believed that here was a new idea worthy of a fair trial. Accordingly the legislature in 1907, while the Des Moines law was still in the making, passed two laws authorizing the adoption of the "Texas Idea" by cities of the first and second classes. The law for first class cities was practically a re-enactment of the existing law for cities of that class, substituting for mayor and council, a board of five members, elected on a general ticket every two years. The law for cities of the second class adopted the chief features of the Galveston plan with three commissioners elected at large for three years, one retiring each year. Both of these laws bore evidences of haste in drafting and serious defects were apparent. Within the first two years, not more than two or three towns had voted to adopt the new form, though at the same time much interest had been aroused through press discussions of the "Des Moines Plan." The state chanced just then to be passing through a period

¹ In this article the writer has incorporated certain passages and conclusions from a paper by him published in the Proceedings of the American Political Science Association for 1910.

of reform agitation, which brought about a political revolution within the dominant party. This period of political introspection led as never before to an appreciation of the evils existing under the old council system of government as it had been conducted. In the search for something better the "commission plan" offered itself as a way out and into a straighter road.

In response to a general demand, the legislature of 1909 enacted two statutes on the subject. In the case of cities of the first class the new act took the form of an amendment to the corresponding act of 1907, and introduced most of the features of the Des Moines law. The board of commissioners consists as before, of a mayor and four commissioners, chosen biennially on a general ticket. The board is the successor to all the powers of the mayor and council, and the sections enumerating those powers are for the most part a repetition of the corresponding portions of the general law for cities of this class. It is remarkable that in this progressive state there is yet shown no tendency toward municipal home rule and away from the traditional strict enumeration of municipal powers. The mayor is the commissioner of the police and fire departments. The other departments, each in charge of a commissioner, are finance and revenue, water works and street lighting, streets and public improvements, and parks and public property. The latter includes the health department. The officers specifically mentioned to be appointed are the attorney, clerk, treasurer, auditor, engineer, superintendent of streets, superintendent of water works, secretary of water works, fire marshal, chief of police, physician, police judge, superintendent of parks, and assessor. The term of all these officers expires with that of the board itself. All other officers and employees, except unskilled laborers, are selected on a basis of merit as determined by a civil service commission. This commission is sworn "to endeavor to secure and maintain an honest and efficient force, free from partisan influence or control." Each commissioner is held personally liable for expenditures in excess of appropriations.

In drafting new legislation for cities of the second class in 1909 the law of 1907 was repealed and a new act based directly on the Des Moines law was substituted. The act does not concern itself with questions of function but is confined to matters of organization and administration. The commissioners, three in number, are

chosen for a term of three years, one retiring each year. All other important officers are appointed for a fixed term of two years. The mayor is commissioner of police, fire and health. One commissioner is at the head of the department of finance and revenue, while the other is in charge of streets and public utilities. The liability of the commissioners for expenditures in excess of the appropriations is the same as in the case of cities of the first class. In addition, there is provision for the referendum, at the request of ten per cent of the voters, on propositions initiated by petition. The people may, on petition of twenty-five per cent, suspend any ordinance passed by the commission until it has been submitted to a popular vote. The referendum on franchise ordinances is compulsory.

The response to the new legislation was prompt. At the end of the first year, nineteen cities had voted to accept its provisions. These varied widely in population, ranging from Anthony, with a population of only two thousand, to Kansas City, with eighty thousand. The motives impelling to the change were various. Occasionally, charges of graft and corruption were alleged, but in most cases the protest was against the general inefficiency which had grown up under the old system. Diffusion of responsibility, exasperating delays, and lack of business methods were the grounds of complaints. In certain cases, on the contrary, affairs had been conducted with honesty and a reasonable degree of efficiency, so that the novelty of the proposal was its chief recommendation.

A critical examination of the Kansas laws as they stand to-day shows them to be typical examples of the commission system. The essential elements of the commission plan are present; centralization of power and responsibility in the hands of a small board elected at large, who are the sole elected officers, and who have the power of appointment and removal of subordinates. In one point the Kansas laws fall short in this respect; the control of education is not in the board of commissioners but remains in the board of education elected by the people. The bill for second class cities, as originally drawn, contained this provision but it was promptly eliminated by the legislature. While conforming to type, certain points of weakness appear. In the law for first class cities, the whole board is renewed every two years instead of partially so as to preserve a continuous existence. In both acts, permanency of

tenure is imperiled and the way opened for the spoilsman by making the term of appointed officers two years instead of an indefinite term at the will of the board.

Besides the essential features above mentioned, there are certain others, such as the merit system of appointment, non-partisan direct nominations, the recall, popular initiative and referendum, and the compulsory referendum of public service franchises which while not forming integral parts of the commission plan, are connected with it in the popular mind and, when they do occur, profoundly affect the working of the system.

The wisdom of the merit system of appointment is no longer an open question and, with the limitation of a fixed term of office, finds a place in first class cities. But though wide powers of appointment and removal are delegated to the board of commissioners in second class cities no attempt is made to protect the employees and the public by such a provision.

Whatever may be the objections to non-partisan direct primaries and the initiative, referendum and recall, when applied in the larger fields of state and national government, there is when employed in the realm of municipal government much to recommend them. To secure responsibility and efficiency, the three principles, separation of powers, decentralization of administration and direct election, have been sacrificed. To offset this such devices of popular control appear justifiable. The problem is to avoid a mere factious or obstructive use of them. In the acts under consideration, non-partisan direct primaries are provided for in cities of over ten thousand inhabitants. By general law direct primaries are insured to all cities of over five thousand population. Theoretically, there is no reason why non-partisan nominations and direct primaries should not be enjoyed by the smaller cities, but in practice they were not deemed necessary under local conditions.

The recall may be invoked in cities of the first class on request of twenty-five per cent of the vote at the last election, though in the original bill for cities of the second class, it failed to pass the legislature. Popular initiative of ordinances may be accomplished under both laws by petition of not less than twenty-five per cent of the voters, and if such ordinance is not passed by the commission, it is referred to direct popular vote. The referendum privilege is extended, in cities of the second class, to all ordinances on petition

of twenty-five per cent of the vote at the last election, but in cities of the first class this extends only to those ordinances initiated by petition and not to those initiated by the commission. In both classes of cities the referendum on franchises is compulsory.

Although the time which has elapsed since the inauguration of the new system in Kansas is altogether too brief to warrant definite conclusions, yet from the bits of testimony available it appears that the weight of evidence is almost entirely favorable to the new plan. On all sides are heard general expressions of satisfaction of which the following is typical: "As a business proposition there is no comparison. No intelligent person would think of returning to the old form of government." More definite commendation centers about the financial administration under this system. In Leavenworth, the first to adopt the plan, the city has since that time paid off \$20,200 of bonds on which interest had been paid for thirty years. Within the first two years, the city also paid its share of county obligations to the extent of \$119,000. In the same period, indebtedness for public improvements has been incurred to the extent of \$27,000. Over twenty-five per cent of all the pavement in the city has been laid under the commission. The city of Iola, owning its gas, electric and water plants, shows for the first year under the commission as compared with the last year under the council a saving in all departments of \$32,741, while rendering service as good if not better than before. Betterments added to the water and electric plants bring the increase in assets for the year to \$41,228. In several cities, extensive improvements in paving, sewers, lighting, water, and parks are credited to the superior financial system in vogue under the commission. It is a question, however, whether these results were not quite as much due to a general municipal awakening brought about by the agitation for a change in the form of government as to the new form itself.

A body of quite as positive evidence is based on the general efficiency of the system. In Wichita the results are summed up as "economical of time in transacting business; absence of log-rolling in the administration of affairs; system in the handling of accounts; and a tendency toward making merit a basis for continuance in office." In Hutchinson it is said that in case of any complaint "we know to whom to go and from whom to get redress and have no trouble in obtaining satisfaction which we were never able to secure

under the mayor and council form of government with no responsible head." From Kansas City it is said that the city's government, "while not perfect, is the best it has ever enjoyed in its history." Testimony in this regard is summed up in the statement that the greatest good resulting from the change is "the placing of municipal affairs and the conduct of municipal operation upon an absolute basis of merit and modern business efficiency."

In regard to the personnel there seems in Kansas not to have been a marked change. In some towns the average of ability has been raised but it is alleged that the average ability of those who have really dominated in the past is as great as those in control at the present. An examination into the occupation of the commissioners in four typical cities shows that in one the board was composed of a plasterer, a real estate broker and a stonemason; in the second, of a dentist, a contractor, and a merchant; in the third of a hardware merchant, two manufacturers, a lumber dealer and a proprietor of a transfer business; and in the fourth, of an elevator owner, barber, machine shop manager, building mover, and a reporter. It has been hoped that party politics would be removed from the commission and so far the drift seems to be in that direction, though to a less marked degree than was expected. Party lines are still maintained in certain cities; in others they have never existed, and in still others there has been a gratifying change toward a non-partisan attitude.

Although the plan has met with such a flattering reception generally, there are a number of cases in which it has been rejected and in some cases more than once. Liquor interests, or political machines, or the two in combination, are sometimes held responsible. In the case of small cities the additional initial cost has been the most powerful objection. In certain towns where the government has usually been on a non-partisan basis and well conducted, the people were satisfied to remain as they were.

Two years' experience has disclosed various imperfections in the statutes mostly of minor importance and easily remedied. In two important particulars amendments have been suggested. It has been proposed to place the schools under the commission as originally proposed for cities of the second class. Another modification, and one which was enacted into law by the legislature of 1911 for cities of the second class, is that candidates announce themselves

before the primaries as candidates for a specific commissionership and that they be so indicated on the official ballot. A criticism of the plan coming from an enthusiastic supporter of the commission idea in general, and a successful mayor under it, may be quoted as it points out a fundamental weakness in the system. He says that one modification needed is "a centralization of authority. You might as well try to run a ship with five captains as to run a city government with five officers all having equal authority. Our law contemplates that the mayor be the head of the government but not to such an extent as it should have done. The commissioners should be appointed to their several places by the mayor or chairman of the commission and all the executive officers should be appointed and not elected by the commission. This places responsibility where it belongs and gives the power to the one who is responsible to see that the city's business is conducted in the proper manner. No great business enterprise was ever successfully conducted unless there was one responsible head."

No estimate of the merits of the commission form of government based upon its workings in Kansas should fail to take cognizance of the fact that these experiments are conducted by the warm friends of the plan. A goodly number of the members of the first boards of commissioners were active in securing its adoption and have been consequently interested in its success. Many of these men are to-day devoting to the duties of the office far more time and energy than the salary alone could command. In contemplating the present display of interest by the citizens and of devotion by officials one is led to ask whether like interest and devotion might not have accomplished the same results under the former system. The most important single result of the movement is that the attendant agitation has roused the people to a new civic consciousness and given to the average voter new ideals of citizenship. It is too much to expect that the present manifestations of zeal on the part of officials and the active interest on the part of the citizen should be maintained permanently at the present pitch. When official zeal shall have flagged and public interest shall have abated, then will come the real test of commission government. But whatever its ultimate degree of success or failure, it may safely be said that it has made it easier for good officials to do well and more difficult for bad officials to do ill.